

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR84
)	
v.)	
)	
WAYNE LEE PETERSON,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on defendant's Motion for leave to file pretrial motions out of time [22]. Defendant also requested that all time since the original motion deadline, i.e., April 5, 2005, be excluded for speedy trial purposes. For that reason, and in this instance only, strict compliance with NECrimR 12.3 will not be required. For good cause shown,

IT IS ORDERED that defendant's Motion for leave to file pretrial motions out of time [22] is granted, as follows:

1. Defendant is given until and including **June 3, 2005** to file pretrial motions in accordance with paragraph 3 of the progression order.

2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **April 5, 2005 and June 3, 2005** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defense counsel requires additional time to adequately prepare the case and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED May 24, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge